

**ORDINANCE NO. 2025-07-017**

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON RELATING TO EQUAL PROTECTION AND EQUAL PROVISION OF CITY SERVICES REGARDLESS OF SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION, AND CREATING A NEW CHAPTER OF THE BELLINGHAM MUNICIPAL CODE REGARDING SUCH MATTERS**

**WHEREAS**, the City is committed to diversity, inclusion, and justice, ensuring that all members of our community can live authentically and without fear of discrimination or harm; and

**WHEREAS**, the City affirms its commitment to ensuring that all individuals, regardless of sexual orientation or gender identity, feel safe and supported; and

**WHEREAS**, the City of Bellingham is committed to fostering a community where all individuals are treated with dignity, equity, and respect, regardless of sexual orientation, gender identity, or gender expression; and

**WHEREAS**, the City of Bellingham recognizes the inherent worth and equal rights of all people, including LGBTQ+ individuals, and seeks to provide a safe and welcoming environment for those who reside in or visit our city; and

**WHEREAS**, the City of Bellingham protects the rights guaranteed to the people by the U.S. Constitution and Washington State Constitution and will challenge any unconstitutional policies that threaten these rights or the security of its residents; and

**WHEREAS**, members of the LGBTQ+ community have been targeted by orders and actions that aim to curtail life-saving gender-affirming health care, reproductive healthcare, HIV prevention and treatment care, the inclusion of gendered language in federally-backed scientific research, and more, thus posing significant public health risks to LGBTQ+ individuals and all residents; and

**WHEREAS**, actions that prevent or limit transgender, non-binary, and gender-expansive people from accessing medically necessary, safe health care backed by research and supported by major medical associations, pose significant public health risks to LGBTQ+ youth and adults; and

**WHEREAS**, members of the LGBTQ+ community face ongoing discrimination, violence, and systemic barriers that threaten their safety, well-being, and human rights; and

**WHEREAS**, across the country transgender and non-binary people have been targeted by legislation that threatens LGBTQ+ communities, threatening access to healthcare, education, and protections under the law; and

**WHEREAS**, the City of Bellingham is committed to research-driven, transparent, community-informed inclusive approaches to public policy; and

**WHEREAS**, the City of Bellingham will uphold all Washington state law regarding discrimination, provision of services and other law protecting LGBTQ+ individuals; and

**WHEREAS**, the City of Bellingham affirms the principles of the Tenth Amendment of the U.S. Constitution which limits federal incursion into the powers reserved to the States and which grants municipal entities authority and control over their law enforcement resources; and

**WHEREAS**, the Bellingham Police Department will continue to focus on the safety and security of all our residents regardless of sexual orientation, gender identity or gender expression (including gender nonconformity and status as a transgender individual); and

**WHEREAS**, the policy of the City of Bellingham is that all people are valued, have inherent liberty interests, and should be afforded dignity, equity, and respect, regardless of sexual orientation, gender identity or gender expression (including gender nonconformity and status as a transgender individual); and

**WHEREAS**, the City of Bellingham recognizes that clear local policies are a critical tool to ensure that all residents, regardless of the identities they may hold, have inalienable human rights and deserve to feel safe, welcome, and supported; and

**WHEREAS**, in 2020 the United States Supreme Court held in the landmark *Bostock v. Clayton County* case that Title VII of the Civil Rights Act of 1964 protects employees against discrimination on the basis of sexual orientation and gender identity; and

**WHEREAS**, the City of Bellingham is committed to protect and advocate for the rights of LGBTQ+ individuals against discrimination, harm, or inequality; and

**WHEREAS**, pursuant to Washington Law Against Discrimination (WLAD), Chapter 49.60 RCW the right to be free from discrimination because of race, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability is recognized as and declared to be a civil right of the people of Bellingham, and

**WHEREAS**, any person deeming themselves injured by any act in violation of WLAD shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both.

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN AS FOLLOWS:**

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-778-8270

**Section 1. Declaration.**

The City of Bellingham supports each individual’s right to be treated with dignity and to live without fear of violence, intimidation, or discrimination.

The City Council hereby declares that the policy of the City of Bellingham is that all people are valued, have inherent liberty interests, and should be afforded dignity and respect regardless of sexual orientation, gender identity, or gender expression (including gender nonconformity and status as a transgender individual). The City finds that discrimination based on sexual orientation, gender identity, or gender expression (including gender nonconformity and status as a transgender individual) poses a substantial threat to the health, safety and general welfare of the people of Bellingham.

The City Council enacts this ordinance in furtherance of that policy.

**Section 2. Chapter Created.**

There is hereby created a Chapter 2.29 of the Bellingham Municipal Code (BMC) entitled "Equal Protection and Provision of Services Regardless of Sexual Orientation, Gender Identity or Gender Expression" which shall read as follows:

**Section 2.29.010 – Purpose and Intent.**

- a. The purpose of this Chapter is to affirm and foster trust and cooperation between the City and LGBTQ+ communities, to heighten crime prevention and public safety, and to reaffirm the City's commitment to equal access to City services, so that all people may continue to be productive members of the Bellingham community.
- b. The City of Bellingham is a city of the first-class organized under RCW 35.22, Article 11 Section 10 of the Washington State Constitution, and the Charter of the City of Bellingham as amended.
- c. Under its police powers, the City may exercise any power and perform any function, unless preempted by state or federal law, relating to its government and affairs, including the power to regulate for the protection and rights of its inhabitants and to maintain authority over its internal resources and policies. To this end, the City has dedicated itself to providing all of its residents fair and equal access to services, opportunities, and protection and to maximize public safety for the entire Bellingham community.
- d. All Bellingham residents should be confident in seeking the assistance of law enforcement, regardless of their sex, sexual orientation, or gender (including gender

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nonconformity and status as a transgender non-binary individual) and confident in their ability to receive city services without inquiry into their sex, sexual orientation, gender, gender identity or gender expression (including gender nonconformity and status as a transgender individual) to the fullest extent permitted by law.

- e. The City of Bellingham affirms the right of individuals to embrace and express their own authentic gender and sexuality and to define what gender and family means to them; including but not limited to dress and appearance, structuring a family unit that works best for them, and sharing LGBTQ+ positive values with their children; and to define their own gender and sex with or without regard to biological sex assigned at birth.
- f. The City of Bellingham affirms the right of individuals to seek, obtain, provide, or facilitate gender-affirming care that is legal in Washington State.
- g. The City of Bellingham affirms the right of individuals to engage in speech or expression supporting LGBTQ+ people; including but not limited to disseminating books and literature, holding discussions, viewing and presenting film, creating and displaying art, singing and rehearsing music, and drag or other performances.

**Section 2.29.020 – Definitions.**

- a. "Discrimination" means different or unequal treatment because of race, ethnicity, gender, national origin, sexual orientation, gender identity, religious belief or non-belief, age, class, disability, veteran or military status, and political opinion.
- b. "Discriminate" means to treat differently or unequally because of race, ethnicity, gender, national origin, sexual orientation, gender identity, religious belief or non-belief, age, class, disability, veteran or military status, and political opinion.
- c. "Gender-affirming care" means a service or product that a health care provider, as defined in RCW 70.02.010, provides to an individual to support and affirm the individual's gender identity. "Gender-affirming care" includes, but is not limited to, treatment for gender dysphoria, gender-affirming hormone therapy, and gender affirming surgical procedures. "Gender-affirming care" can be provided to two spirit, transgender, nonbinary, and other gender diverse individuals.
- d. "Gender Expression" means having an external appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

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- e. "Gender Identity" means one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.
- f. "LGBTQ+" means and includes Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual/Aromantic, Two Spirit people and any other term which refers to one's gender identity or sexual orientation.
- g. "Sexual orientation" includes heterosexuality, homosexuality, bisexuality and asexuality and means having an inherent or immutable enduring emotional, romantic or sexual attraction or lack of attraction to other people.

#### **Section 2.29.030 – Equal Protection.**

City employees shall not condition the provision of city services or initiate any enforcement action based on a person's sexual orientation, gender identity or gender expression (including gender nonconformity and status as a transgender individual).

#### **Section 2.29.040 – Administrative Policies**

- a. The City shall inventory and review existing policies addressing discrimination and related civil complaints or criminal reports to assure consistency with this Chapter and to ensure they are inclusive, equitable and affirming for LGBTQ+ individuals. Each department of the City will be responsible for compliance with such policies and BMC Chapter 2.29 within its area of duties and responsibilities. These actions shall commence within one year of the effective date of this ordinance. Additional training to City employees shall be provided as appropriate based on any new or updated policies.
- b. City employees shall use an individual's name, pronoun and gender designation as requested by the individual. A legal name or gender designation change is not required. If an individual has undergone a legal name or gender designation change, the City should use the new legal name and gender designation. Public records should use the individual's preferred name, pronoun, and gender designation unless otherwise required by law.
- c. Within one year of the effective date of this ordinance, City staff shall provide additional training on WAC 162-32-060 (gender-segregated facilities), to ensure that individuals may use gender-segregated facilities that are consistent with their gender expression or gender identity at all City facilities.
- d. No City of Bellingham resources, including but not limited to, City property or time spent while on duty by a City employee or official, shall be used for investigation, assisting an investigation, or detention of an individual based solely on a person's

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sexual orientation, gender identity or gender expression (including gender nonconformity and status as a transgender individual).

- e. The City police department shall investigate transphobic or homophobic hate crimes that occur in the City, as described in Bellingham Police Department Policy 320 and RCW 9A.36.080. Commission of a hate crime offense is a class C felony. The penalties provided in RCW 9A.36.080 for hate crime offenses do not preclude the victims from seeking any other remedies otherwise available under law.
- f. The City shall oppose or support legislation or actions at the state or federal level that the mayor and city council determine impact the rights, safety, or dignity of LGBTQ+ individuals in Bellingham in accordance with this Chapter. Such determination shall be made based on legal review of proposed legislation or related actions, consultation with the City's lobby team, or feedback from community partners, advocacy groups or members of the public, including the LGBTQ+ community. The mayor and city council shall determine what actions if any the City takes to oppose or support such legislation or actions. Examples of such actions include, but are not limited to, inclusion as part of the City's lobbying priorities, letters or other written correspondence and in-person meetings with state or federal legislators, testimony during legislative hearings, litigation, or passage of local resolutions, ordinances or other amendments to the BMC.
- g. Whenever the City collects or disseminates information about an individual or individual's sex or gender, it shall be without regard to sex assigned at birth, unless required by law. The City will not collect or disseminate information about sex assigned at birth, unless related to a criminal or civil infraction investigation of a violation of City or Washington State law needed by an EMT in connection with an individual's healthcare, or as otherwise required by law.
- h. The City shall celebrate the voices and contributions of LGBTQ+ individuals through public events, education, and partnerships with local organizations as determined by the mayor or their designee. The City shall advocate for inclusive and affirming changes to state and federal policies and programs.
- i. The City police department shall collaborate with LGBTQ+ event organizers to support public safety planning at LGBTQ+ events that take place in the City.

**Section 2.29.050 - Certain Activity Not Precluded.**

Nothing in BMC Chapter 2.29 shall be construed to preclude any City police officer or other employee from performing any action that is required by federal or state statute,

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local law, or court decision or order. For federal or state statutes, court decisions, or court orders that impact the rights, safety, or dignity of LGBTQ+ individuals in Bellingham as provided for in this Chapter, the mayor or their designee shall provide guidance to City employees on how to perform any action that is required by such federal or state law, court decision, or court order in a manner that protects the rights of LGBTQ+ individuals under this Chapter.

**Section 2.29.060 - No Private Right of Action or Special Relationship Created.**

BMC Chapter 2.29 and its enacting ordinance are adopted in furtherance of the City's general powers related to public health, safety, and welfare and do not create a private right of action or form the basis for liability on the part of the City, its officers, employees or agents. This Chapter and its enacting ordinance shall not be construed to create any special relationship or any expectation of specific treatment in specific circumstances. This Chapter and its enacting ordinance shall be interpreted in a manner consistent with RCW 49.60 and is not intended to expand any of the rights, duties, or obligations provided under RCW 49.60.

Nothing in BMC Chapter 2.29 shall be deemed to deny any person the right to institute any action or to pursue any civil or criminal remedy for a violation of such person's civil rights. Nothing in this Chapter shall limit or expand any cause of action available to any person under federal or state law.

**Section 2.29.070 - Severability.**

Should any section, paragraph, sentence, clause or phrase of BMC Chapter 2.29, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of BMC Chapter 2.29 be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of BMC Chapter 2.29 or its application to other persons or circumstances.

**Section 2.29.080 - Clerical Error.**

Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

**PASSED** by the Council this 21st day of July, 2025.

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Council President

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-778-8270

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Mayor

**ATTEST:** \_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Office of the City Attorney

**Published:**

July 27, 2025  
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